

Rejection under 35 U.S.C. §§102(a) and 103:

The Examiner has rejected Claims 1-3, 11, and 12 as being anticipated by Weinstein *et al. Development 124*(21):4335-4342 (1997). The Examiner has also rejected Claims 1-9 over Weinstein *et al.*, in view of Boss *et al.*, U.S. Patent No: 4,816,397.

The Applicants respectfully traverse the Examiner's rejection. Weinstein *et al. Development 124*(21):4335-4342 (1997) was co-authored by the two co-inventors with Eric Honore. One of the Applicants submits a Declaration pursuant to 37 C.F.R. §1.132 in Exhibit A stating that the third co-author of Weinstein *et al. Development 124*(21):4335-4342 (1997), namely Eric Honore, was not involved in the conception of the present invention. Therefore, Weinstein *et al. Development 124*(21):4335-4342 (1997) is not a publication by "another" under 35 U.S.C. §102(a).

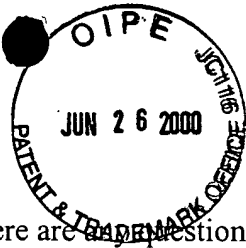
In addition, the present invention as claimed is not obvious over Weinstein *et al. Development 124*(21):4335-4342 (1997). Boss *et al.* cannot cure this deficiency. Indeed, the Examiner merely applies Boss *et al.* as teaching general methods for the production of heterologous multi-chain polypeptides and proteins by recombinant techniques. Therefore, neither Weinstein *et al.* nor Boss *et al.* either alone or together obviate the present invention.

In view of the above and foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. §§102 (a) and 103, are respectfully solicited.

Claims 1-9, 11 and 12 remain for consideration. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

No additional fees are believed to be necessitated by the foregoing amendments. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

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In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

MICHAEL D. DAVIS  
Attorney for Applicant(s)  
Registration No. 39,161

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, New Jersey 07601  
(201) 487-5800

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Pending Claims 6/22/2000

1. An isolated nucleic acid encoding a vertebrate translation initiation factor 4AIII (eIF-4AIII) having an amino acid sequence substantially homologous to that of SEQ ID NO:2.
2. The isolated nucleic acid of Claim 1 wherein the amino acid sequence is SEQ ID NO:2 or SEQ ID NO:2 with a conservative amino acid substitution.
3. The isolated nucleic acid of Claim 2 wherein the nucleic acid contains the coding sequence of SEQ ID NO:1.
4. The isolated nucleic acid of Claim 1 further comprising an heterologous nucleotide sequence.
5. The isolated nucleic acid of Claim 4 wherein the heterologous nucleotide sequence encodes a fusion protein or fusion peptide.
6. The isolated nucleic acid of Claim 1 operatively linked to an expression control sequence.
7. A unicellular host transformed or transfected with the nucleic acid of Claim 6.
8. A method of expressing the eIF-4AIII comprising culturing the unicellular host of Claim 7 in an appropriate cell culture medium under conditions that provide for expression of the protein by the cell.
9. The method of Claim 8 further comprising the step of purifying the eIF-4AIII.
11. An isolated nucleic acid containing 15 or more nucleotides that hybridizes to SEQ ID NO:1 under standard hybridization conditions.
12. The isolated nucleic acid of Claim 11 that hybridizes to nucleotides 1 to 90 of the coding region of SEQ ID NO:1 under standard hybridization conditions.